

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 08-66988

EDNO D. CASEY,

Chapter 13

Debtor.

Judge Thomas J. Tucker

**ORDER (1) VACATING THE COURT’S “ORDER FOR EXPEDITED HEARING
ON DEBTOR’S ‘REQUEST FOR MODIFICATION OF CHAPTER 13 PLAN;’”
(2) CANCELLING JUNE 25, 2009 HEARING; AND (3) DENYING AS MOOT
“DEBTOR’S EX PARTE MOTION TO RESCHEDULE EXPEDITED HEARING ON
REQUEST FOR MODIFICATION OF CHAPTER 13 PLAN”**

On June 17, 2009, Debtor filed a “Request for Modification of Chapter 13 Plan” (Docket # 50). On June 19, 2009, Debtor filed a motion for expedited hearing on the plan modification. (Docket # 51, the “Motion”), stating that “[t]he Debtor needs the Court to rule on the motion as soon as possible.” The Court promptly granted the Motion, on June 19, 2009, scheduling a hearing on Debtor’s plan modification for June 25, 2009 at 9:00 a.m. (*See* “Order for Expedited Hearing on Debtor’s ‘Request for Modification of Chapter 13 Plan’” (Docket # 52)). Then, on June 22, 2009, the debtor’s attorney filed an ex parte motion to reschedule the June 25 expedited hearing to July 16, 2009, because “[n]obody from Debtor’s counsel’s law office is able to attend the June 25, 2009 hearing.” (“Ex Parte Motion to Reschedule Expedited Hearing on Request for Modification of Chapter 13 Plan” (Docket # 53)).

Absent an expedited hearing, the normal deadline for objections to Debtor’s plan modification would be July 10, 2009, a date which is six days before the adjourned “expedited” hearing date now requested by Debtor. In addition, it now appears that there was not actually a need for an expedited hearing on Debtor’s plan modification. Accordingly,

IT IS ORDERED that the Court’s “Order for Expedited Hearing on Debtor’s ‘Request for

Modification of Chapter 13 Plan” (Docket # 52), is vacated, and the June 25, 2009 expedited hearing is cancelled.

IT IS FURTHER ORDERED that Debtor’s “Ex Parte Motion to Reschedule Expedited Hearing on Request for Modification of Chapter 13 Plan” (Docket # 53), is denied, because it is now moot. Debtor’s “Request for Modification of Chapter 13 Plan” now will be treated on a normal, non-expedited basis, based on Debtor’s filing and service of the plan modification and the 20-day notice of same. A hearing will be scheduled only when and if anyone files a timely objection to the plan modification. *See generally* L.B.R. 3015-2(b).

IT IS FURTHER ORDERED that Debtor must serve a copy of this Order on all creditors, and file proof of such service, all no later than **June 23, 2009**.

Signed on June 23, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge